

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

A.M., through her Guardian ad Litem,
JOLEEN YOUNGERS,

Plaintiff,

vs.

No. CIV 13-0692 JB/WPL

NEW MEXICO DEPARTMENT OF HEALTH;
LOS LUNAS CENTER FOR PERSONS WITH
DEVELOPMENT DISABILITIES;
ROGER ADAMS, individually and in his capacity
as an agent for the New Mexico Department of Health;
BETH SCHAEFER, individually and in her capacity
as an agent for the New Mexico Department of Health;
DAN SANDOVAL, individually and in his capacity
as an agent for the New Mexico Department of Health;
JOSEPH MATEJU, individually and in his capacity
as an agent for the New Mexico Department of Health;
NEW MEXICO AGING AND LONG-TERM SERVICES
DEPARTMENT; and THE ADULT PROTECTIVE
SERVICES DIVISION OF NEW MEXICO AGING
AND LONG-TERM SERVICES DEPARTMENT,

Defendants.

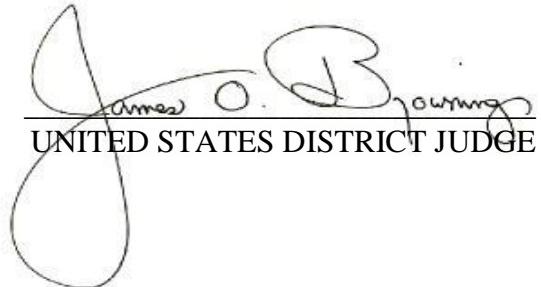
ORDER¹

THIS MATTER comes before the Court on the Individual DOH Defendants' Motion to Dismiss Plaintiff's Thirteenth Amendment Claim and Supporting Memorandum, filed March 6,

¹The Memorandum Opinion and Order, filed December 5, 2014 (Doc. 75)(“MOO”) -- which granted in part and denied in part the Individual DOH Defendants’ Motion to Dismiss Plaintiff’s Substantive Due Process Claim on the Basis of Qualified Immunity, filed March 6, 2014 (Doc. 23)(“MTD 1”) -- misstated the MTD 1’s CM/ECF document number as 22 rather than 23. See MOO at 1, 100. The MOO did not resolve the Individual DOH Defendants’ Motion to Dismiss Plaintiff’s Thirteenth Amendment Claim and Supporting Memorandum, filed March 6, 2014 (Doc. 22)(“MTD 2”). Accordingly, the Court now enters this Order to resolve the MTD 2. The Court will, however, at a later date issue a memorandum opinion more fully detailing its rationale for this decision.

2014 (Doc. 22)(“Motion”). The Court held a hearing on October 23, 2014. The Court will grant the Motion.

IT IS ORDERED that the Individual DOH Defendants’ Motion to Dismiss Plaintiff’s Thirteenth Amendment Claim and Supporting Memorandum, filed March 6, 2014 (Doc. 22), is granted.



The image shows a handwritten signature in black ink. The signature consists of two parts: "James O." on the left and "Bowering" on the right, with a stylized flourish connecting them. Below the signature, the words "UNITED STATES DISTRICT JUDGE" are printed in a standard font.

Counsel:

John Ford Hall
Kelly K. Waterfall
Law Offices of Peter Cubra
Albuquerque, New Mexico

--and--

Nancy L. Simmons
Albuquerque, New Mexico

Attorneys for the Plaintiff

Stephen S. Hamilton
Alexia Constanteras
Montgomery & Andrews, P.A.
Albuquerque, New Mexico

Attorneys for Defendants